

Infringement Analysis of : BERGAN

Infringing Product Specifications:

Company Name: Bergan

Company Location: Mokey Island, OK 74331

Product Name: Stainless Steel Bowl - SKU#810233

The following patent infringement analysis compares US Patent. 8,286,589 with the potentially infringing Bergan product identified above and by FIG 1-3. The Claims of US Patent 8,286,589 are identified below as follows:

US Patent 8,286,589 - Claim 1

1. A single member animal feeder substantially comprising:
a bowl formed of stainless steel or other metal;
a cover placed about at least a portion of an exterior of said bowl in a continuous direct contact arrangement, said cover remaining affixed to said bowl during lifting, moving or repositioning; said cover resisting movements relative to a floor surface through adhering and frictionally impinging said cover to said floor surface; said cover having an annular sidewall extending up from a bottom exterior surface of said bowl, said sidewall surface terminating at an upper portion opposite said bottom outer surface that is coextensive with and circumscribes an outer surface of said bowl; said cover permanently attached to said bowl through frictional force and interference fit securely holding said cover on said bowl such that circumferential contact between the exterior surfaces of said bowl and the interior surfaces of said cover provides said frictional interference fit.

Claim 1 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 1 of US Patent 8,286,589. The BERGAN is a metal bowl made from a single member (one piece of metal). (See FIG 1 - **Reference Numeral 10**). The BERGAN has a cover affixed in direct contact about a portion of the outer bowl. (See FIG 2 - **Reference Numeral 20**). The cover of the BERGAN extends up the sidewall from the bottom surface and is permanently attached to the bowl through frictional force interference fit. (See FIG 3 - **Reference Numeral 30**). The BERGAN cover resists movements relative to the floor surface because of its rubber polymer material.

The BERGAN cover has an annular sidewall extending up from a bottom exterior surface of said bowl, said sidewall surface terminating at an upper portion opposite said bottom outer surface that is coextensive with and circumscribes an outer surface of said bowl. (See FIG 3 - **Reference Numeral 40**).

STATUS: CLAIM 1 = INFRINGED

US Patent 8,286,589 - Claim 2

2. The animal feeder of claim 1, further comprising an adhesive placed between the exterior of the bowl and the interior of said cover.

Claim 2 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 2 of US Patent 8,286,589. The BERGAN bowl *appears* to have adhesive between the bowl and cover (however, the cover has not been fully removed).

STATUS: CLAIM 2 = *LIKELY* INFRINGED

US Patent 8,286,589 - Claim 3

3. The animal feeder of claim 2, wherein said cover is formed having a decorative color.

Claim 3 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 3 of US Patent 8,286,589. The BERGAN bowl has a decorative color which is black. (See FIGS 2-3)

STATUS: CLAIM 3 = *LIKELY* INFRINGED

US Patent 8,286,589 - Claim 4

4. The animal feeder of claim 3, wherein said decorative cover is further formed of a material having insulating properties to provide insulation to the contents of the bowl and reduces the conduction of heat or cold from the bowl to the environment.

Claim 4 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 4 of US Patent 8,286,589. The BERGAN bowl cover appears to be rubber which would have insulative properties. (See FIG 2-3)

STATUS: CLAIM 4 = *LIKELY* INFRINGED

US Patent 8,286,589 - Claim 5

5. The animal feeder of claim 3, wherein said decorative cover is formed of a material capable of providing frictional resistance to the bowl so as to substantially reduce slipping and/or sliding along a floor or other surface upon which the bowl is placed.

Claim 6 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 5 of US Patent 8,286,589. The BERGAN bowl cover appears to be rubber which provides frictional resistance against a floor surface where the bowl is placed. (See FIG 2-3)

STATUS: CLAIM 5 = INFRINGED

US Patent 8,286,589 - Claim 6

6. The animal feeder of claim 1, wherein said cover forms an exterior surface with a plurality of ribs for providing:
an exterior surface that is easily gripped by a user; and
as an aesthetic feature to the exterior surface of said cover.

Claim 6 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 6 of US Patent 8,286,589. The BERGAN bowl cover has a plurality of ribs that facilitate gripping. (See FIG 2 - **Reference Numeral 50**). Further the matte black is an aesthetic finish. (See FIG 2-3)

STATUS: CLAIM 6 = INFRINGED

US Patent 8,286,589 - Claim 7

7. An animal feeder substantially comprising:
a bowl formed of stainless steel or other metal, said bowl having an annular sidewall upwardly directed from a bowl bottom to form a holding volume;
said bowl bottom having an upper surface bounding a lower portion of the holding volume and a lower surface opposite the upper surface; and
a lower surface cover affixed to said lower surface, said lower surface cover is molded to said lower surface; said lower surface cover extends up from a bottom surface and up said at least a portion of said annular sidewall; said lower surface cover circumscribes an outer edge of said lower surface of said bowl; said lower surface cover is formed of a material capable of providing said lower surface with an increased resistance to slipping and/or sliding along a floor or other surface upon which the animal feeder is placed; said lower surface cover is further formed of a material having insulating properties to provide insulation to the contents of the bowl and reduces the conduction of heat or cold from the bowl to the environment.

Claim 7 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 7 of US Patent 8,286,589. The BERGAN is a metal bowl having annular sidewalls to hold a volume. (See FIG 1-3 - **Reference Numeral 15**).

The BERGAN has an upper surface (See FIG 1 - **Reference Numeral 25**) and a lower surface. (See FIG 3 - **Reference Numeral 26**). The lower surface cover of the BERGAN is molded to fit the lower surface and extends up a portion of the lower surface. (See FIG 3 - **Reference Numeral 26 & 40**)

The BERGAN bowl cover appears to be rubber which provides frictional resistance against a floor surface where the bowl is placed.

The BERGAN bowl cover appears to be rubber which would have insulative properties. (See FIG 1-3)

STATUS: CLAIM 7 = INFRINGED

US Patent 8,286,589 - Claim 8

22. The animal feeder of Claim 7, wherein said lower surface cover is formed having a decorative color.

Claim 8 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 8 of US Patent 8,286,589. The BERGAN bowl has a decorative color which is black. (See FIG 2). Further the matte black is an aesthetic finish. (See FIG 2)

STATUS: CLAIM = INFRINGED

US Patent 8,286,589 - Claim 9

25. The animal feeder of Claim 7, wherein said lower surface cover further forms a textured exterior surface.

Claim 9 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 9 of US Patent 8,286,589. The BERGAN bowl cover has a plurality of ribs that provide a textured exterior surface. (See FIG 2 - Reference Numeral 50).

STATUS: CLAIM 9 = INFRINGED

US Patent 8,286,589 - Claim 10

26. The animal feeder of Claim 7, wherein said lower surface cover further forms a patterned exterior surface.

Claim 26 - Infringement Analysis

The BERGAN Stainless Steel Bowl Infringes Claim 10 of US Patent 8,286,589. The BERGAN bowl cover has a plurality of ribs that forms a patterned exterior surface. (See FIG 2 - Reference Numeral 50).

STATUS: CLAIM 10 = INFRINGED

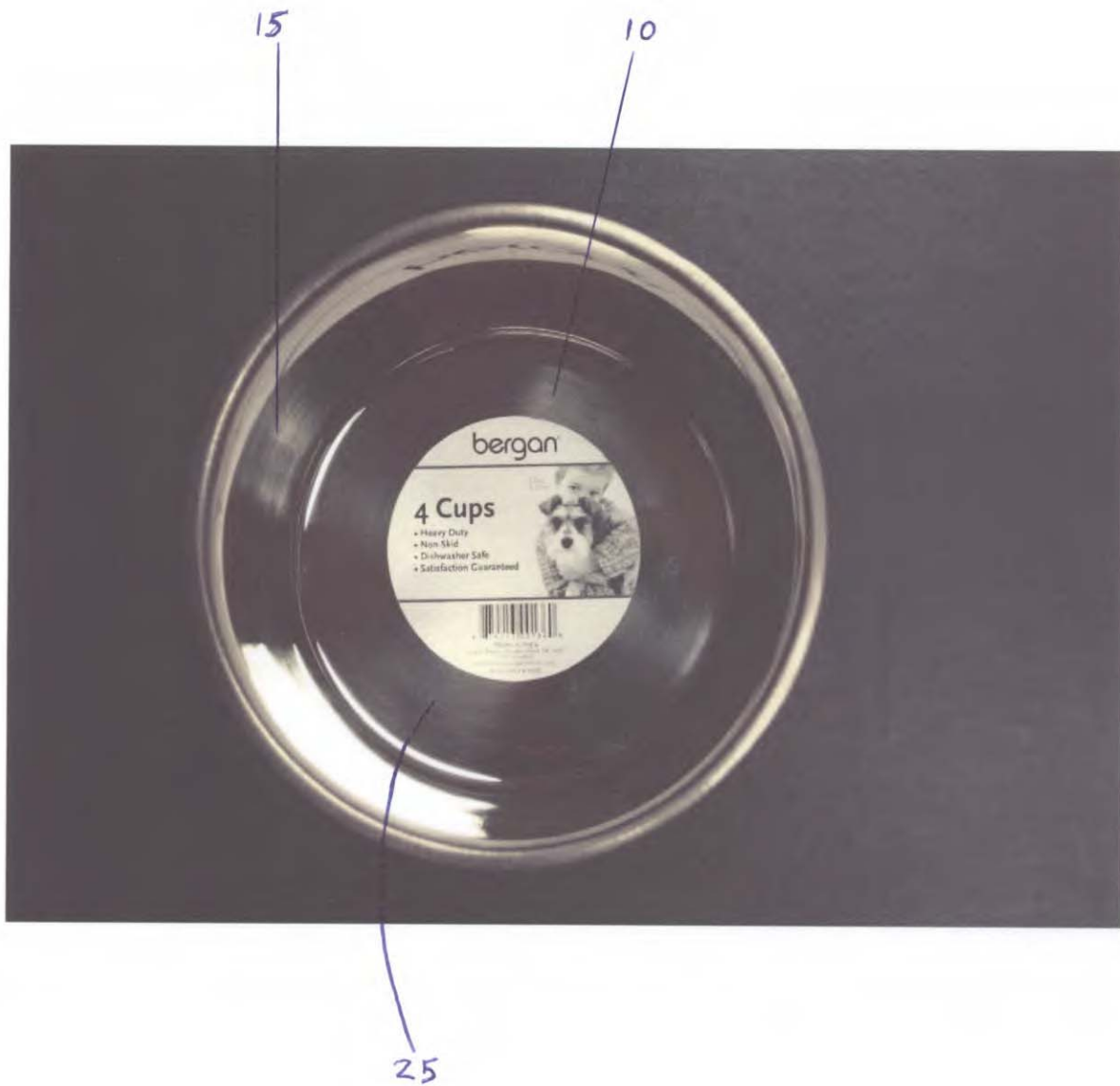


FIG 1

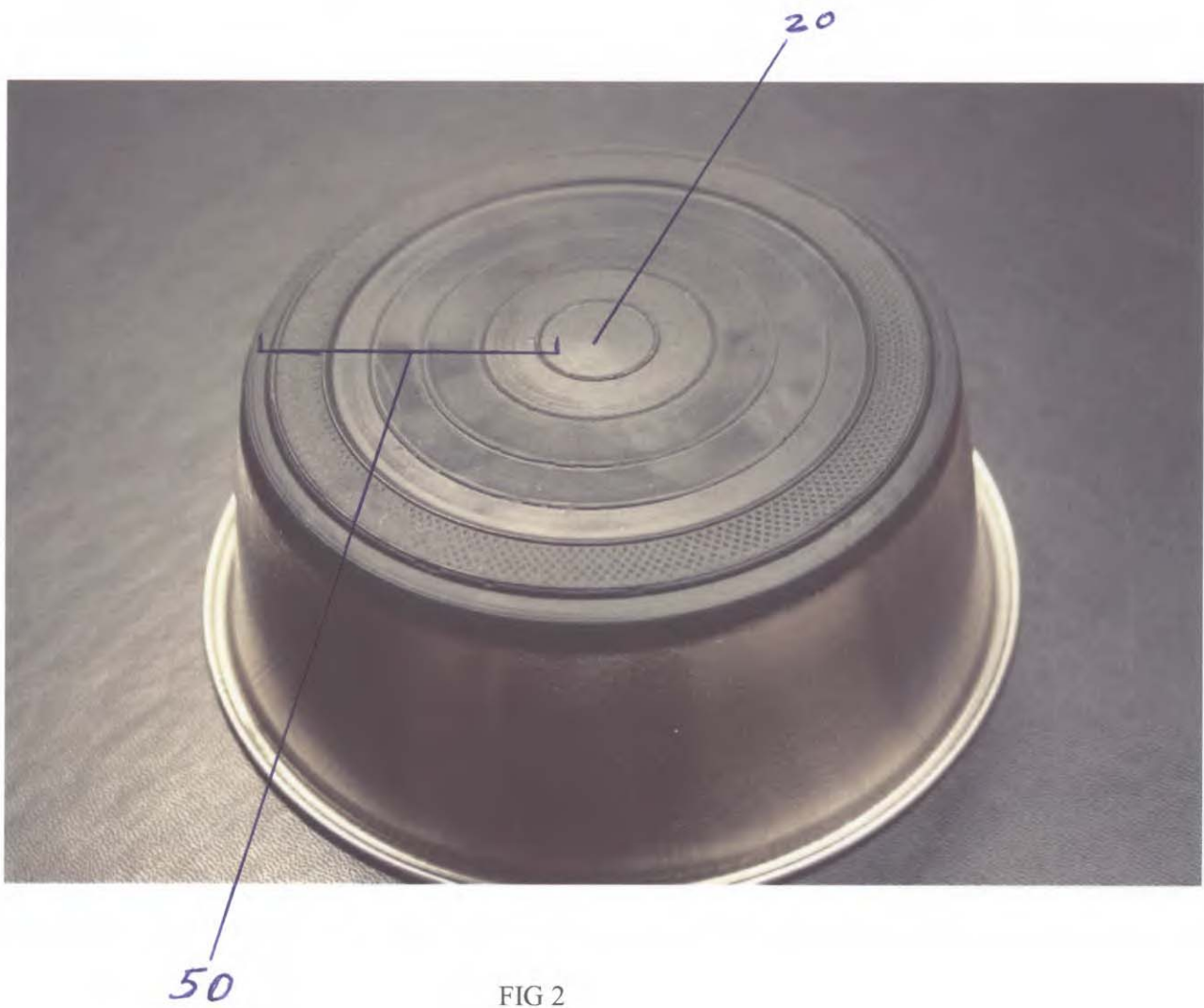


FIG 2

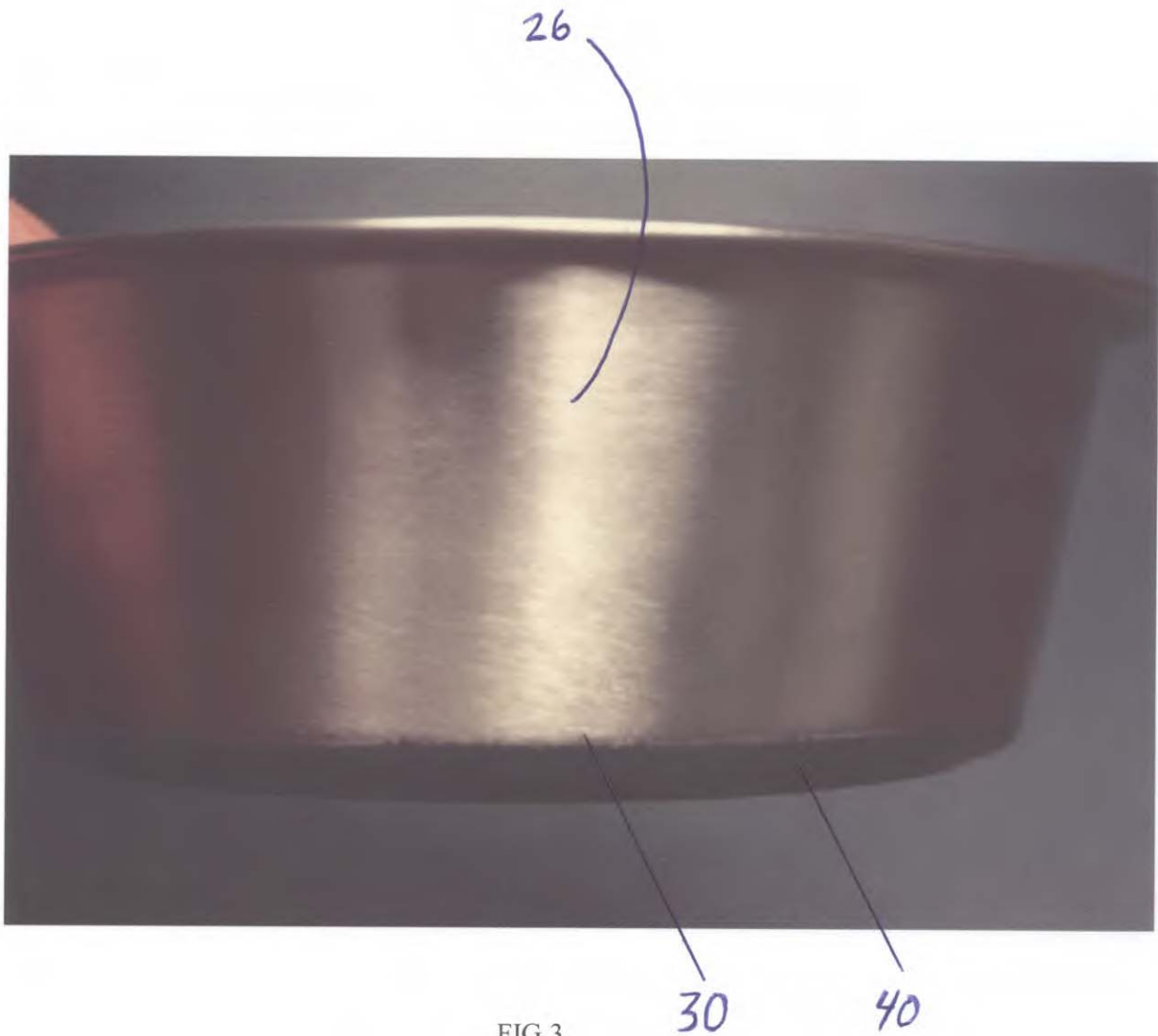


FIG 3